United Nations A/HRC/WG.6/25/VCT/1

General Assembly

Distr.: General
23 February 2016

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-fifth session
2–13 May 2016

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Saint Vincent and the Grenadines

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GE.16-02814(E)

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I. Introduction

1. Saint Vincent and the Grenadines is pleased to present its second Universal Periodic Review Report, and takes this opportunity to reiterate the government's policy of promoting, protecting and respecting the fundamental human rights of all individuals. The legislative framework of the State, which emanates from its Constitution, encourages the protection of human rights and provides opportunities to any individual to remedy any abuse or compromising of their fundamental human rights.

II. Methodology and consultative process

2. This report was compiled by the Ministry of Foreign Affairs, Trade, Commerce and Regional Integration in collaboration with the Ministries of Legal Affairs, National Mobilisation and National Security. Relevant Non-Governmental Organisations (NGOs) were engaged in the process by the Ministry of National Mobilisation. This report was prepared in accordance with the general guidelines for the preparation of information under the universal periodic review adopted by the Human Rights Council in resolution HRC/DEC/17/119 at its 35th meeting held June 17, 2011.

III. Country background

3. Saint Vincent and the Grenadines is situated in the Eastern Caribbean and covers approximately 384km². It is an archipelago of islands with a total population of 109, 188, comprising 32 islands and islets 7 of which are inhabited.

4. Saint Vincent and the Grenadines attained independence from Britain on October 27, 1979. It is a parliamentary democracy on the Westminster model, and has remained a part of the Commonwealth. The House of Assembly is a unicameral parliament with fifteen elected members and six appointed senators. Parliament continues for five years from the date of the first sitting of the House after any dissolution. The Governor-General appoints senators, four on the advice of the Prime Minister and two on the advice of the Leader of the Opposition.

5. The legal system is derived from English common law and statues. There are eleven (11) courts in three magisterial districts. The Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) consists of a Court of Appeal and a High Court of Justice. Appeals lie to Her Majesty in Council from decisions of the Court given in any proceeding originating in Saint Vincent and the Grenadines in such cases as may be prescribed by or in pursuance of the Constitution of the State. Saint Vincent and the Grenadines recognizes the original jurisdiction of the Caribbean Court of Justice, in respect of the interpretation and application of the Revised Treaty of Chaguaramas which establishes the Caribbean Community.

Constitution

6. The Constitution of Saint Vincent and the Grenadines, which came into force in 1979, is the supreme law of the country and, if any other law is found to be inconsistent with the Constitution, the provision of the Constitution prevails and that law is void to the extent of the inconsistency.

7. On November 252009, a referendum was held in Saint Vincent and the Grenadines to approve a Bill for an Act to provide a new constitution for Saint Vincent and the

Grenadines. Only 43.13% of voters supported the Bill which had to have been approved by not less than two-thirds of all the votes validly cast on that referendum. The referendum was the first of its kind to be held by a member of the Organisation of Eastern Caribbean States.

8. Chapter 1 of the 1979 Constitution deals with the fundamental rights and freedoms of individuals. It guarantees the protection of right to life, personal liberty, freedom of conscience, freedom of expression, freedom of assembly and association, and freedom of movement. It provides protection from slavery and forced Labour, inhuman treatment, deprivation of property, arbitrary search or entry, discrimination on the grounds of sex, race, place of origin, political opinions, color or creed and secures protection of the law including the right to a fair hearing and presumption of innocence. The Constitution also provides for the enforcement of the protective provisions by stating that if any person allege that his fundamental rights and freedoms has been, is being or is likely to be contravened, that person may apply to the High Court for redress.

IV. Developments since last Universal Periodic Review

Advancements in the institutional and legal framework

Domestic Violence Act of 2015

9. The Saint Vincent and the Grenadines Domestic Violence (DV) Act, 2015 is an Act to provide greater protection for victims of domestic violence and to make provision for the granting of protection orders and for matters incidental thereto and connected therewith. The legislation also gives the Court the power to issue an interim protection order against the respondent pending the hearing and determination of proceedings for a protection order if it appears necessary or appropriate to do so in order to ensure the safety and protection of the applicant.

10. The DV Act defines domestic violence as any controlling or abusive behaviour that harms the health, safety or well-being of a person or any child and includes but is not limited to the following:

(a) physical abuse or threats of physical abuse;

(b) sexual abuse or threats of sexual abuse;

(c) emotional, verbal or psychological abuse;

(d) economic abuse;

(e) intimidation;

(f) harassment;

(g) stalking;

(h) damage to or destruction of property: or

(i) entry into the applicant's residence without consent where the parties do not share the same residence.

11. Domestic relationship means a relationship between an applicant and a respondent in any of the following ways:

(a) they are or were married to each other, including marriage according to any law, custom or religion;

(b) they are cohabitants or were cohabitants;

(c) they are the parents of a child or are persons who have or had parental responsibility for the child, whether or not at the same time;

(d) they are family members related by consanguinity, affinity or adoption;

(e) they would be family members related by affinity if the persons referred to in paragraph (b) were, or were able to be married to each other;

(f) they are or were in an engagement, dating or visiting relationship which includes but is not limited to an actual or perceived romantic, intimate or sexual relationship of any duration; or

(g) they share or shared the same household or residence.

12. Conduct which amounts to domestic violence under the DV Act 2015, may also amount to a criminal offence under the Criminal Code of Saint Vincent and the Grenadines. Examples include sexual offences such as rape or indecent abuse or physical abuse such as grievous bodily harm.

13. Part III of the DV Act addresses Police Powers of Entry and Arrest. Section 20 of the Act lays out the duties of police officers and section 20 makes provision for the issue of a warrant in domestic violence cases.

S.20 "where the judicial officer is satisfied, by information on oath, that

(a) there are reasonable grounds to suspect that a person on a premises has suffered or is in imminent danger of physical injury at the hands of another person in a situation amounting to domestic violence and needs assistance to deal with or prevent the injury; and

(b) a police officer has been refused permission to enter the premises for the purpose of giving assistance to the first mentioned person in paragraph (a).

14. The judicial officer may issue a warrant in writing authorising a police officer to enter the premises specified in the warrant at any time within twenty four hours after the issue of the warrant and subject to any conditions specified in the warrant, to take such action as is necessary to prevent the commission or repetitions of the offence or a breach of the peace or to protect life or property".

S.21 (1) of the DV Act provides for the instance in which a police officer may make an arrest without a warrant. It states that "A police officer may act in accordance with the provision of the Criminal Procedure Code where he or she has reasonable cause to believe that a person is engaging in or attempting to engage in conduct which amounts to physical violence and failure to act immediately may results in serious physical injury or death".

Then:

S.25 (1) "subject to subsection (2), where a person arrested pursuant to section 20 or 21, the person shall be charged in accordance with the relevant provisions of the criminal law for committing or attempting to commit any of the offences an shall be dealt with accordingly".

15. The legislative framework was strengthened to address domestic violence:

S.19 (1) "A police officer shall respond to every complaint or report alleging domestic violence whether or not the person making the complaints or the report is the victim".

(2) A police officer responding to a domestic violence complaint shall complete a domestic violence report which shall form part of a Domestic Violence Register to be maintained by the Commissioner of Police in the prescribed manner.

(3) A domestic violence report must be in the form set out as Form 8 in Schedule 2 and must include but not limited to:

(a) the name of the parties;

(b) the relationship and sex of the parties;

(c) the relationship and sex of the parties;

(d) the date and time the complaint was received;

(e) the type of the abuse and the weapon used, if any".

16. The Legislation particularly addresses intimidation on all fronts- intimidation by the respondent, police, the national authority conducting the investigation and any third party that influences the investigation to prevent the complainant from testifying in the matter.

Children (Care and Adoption) Act of 2011

17. Saint Vincent and the Grenadines has in place the Children (Care and Adoption) Act 2011 which provides for the care and protection of children, the operation of adoption services and other related matters. It also incorporates the definitions of child abuse as is outlined within the UN Convention on the Rights of the Child (CRC).

18. The provisions within this legislation focus primarily on Mandatory Reporting Procedures for Duty Bearers of children in potentially abusive environments. Duty Bearers are defined clearly in the legislation and negligence or failure to report according to the Protocol to the necessary national authority alludes to engaging in a criminal act and such personnel can be charged and fined or imprisoned accordingly. This Legislation was founded upon the CRC as well as the Organisation of Eastern Caribbean States (OECS) Model Family Bills.

19. Punishment provisions for Perpetrators are identified within the Domestic Violence Legislation and executed within the Criminal Code.

Status of Children Act of 2010

20. The Status of Children Act of 2010 provides for the equal status of children and for connected purposes. It defines a child as any person who has attained the age of eighteen. Section 4 of the Act states that the legal distinction in the status of children born within and outside of marriage is abolished and all children shall from the date of commencement of this Act be of equal status. It further recognized the right for parentage testing procedures for the purpose of obtaining evidence with respect to parentage.

Elements of the CRC incorporated into the new legislations

21. The following elements from the CRC have been incorporated into the new Child Care and Adoption Act of 2011 using the OECS reform process:

Article 1 – the child is defined in the same manner;

Article 2 and 23 – the child is not discriminated in any form;

Article 3,8,18,26,28 and 40 – all services are provided for the child as top priority and the best interest is considered;

Article 19,25 and 34 – A child can be protected from abuse with all the necessary systems installed for investigation and assessment;

Article 20 – In-Transit Care Centres and Alternative Foster Care Homes and Residential Institutions are provided for children in need of protection and alternative environments;

Article 21 – The system of Adoption is authorized.

National Mechanism for reporting and follow-up

22. The Ministry of Foreign Affairs, Trade, Commerce and Regional Integration in collaboration with relevant government departments, is considering the establishment of a National Mechanism for Reporting and Follow-up (NMRF). The mechanism will be responsible for the preparation, submission and follow-up of national human rights treaty body reports. It will be established via a cabinet mandate and be chaired by the Ministry of Foreign Affairs. The mechanism will comprise representatives of civil society and relevant government departments.

Non-governmental mechanism

National Child Rights Committee

23. A National Child Rights Committee was established to provide oversight and guidance to the Child Protection Unit. The Child Protection Unit records reports of child abuse, and collaborates with the Royal Saint Vincent and the Grenadines Police Force (RSVGPF) on investigations.

V. Promotion and protection of human rights

National Action Plan to end gender-based violence

24. Saint Vincent and the Grenadines developed a national action plan geared towards ending gender-based violence. This National Action Plan was developed to train, empower and strengthen the domestic violence responding system and communities in ending gender-based violence.

Training of duty bearers that protect the rights of women and children

25. Saint Vincent and the Grenadines believes that duty bearers, namely all professionals and community organisations recognised within the law, as having responsibility for the protection of children within the child protection system must be trained. The training of duty bearers codifies the existing family laws that provide protection for women and children. It also strengthens the responding capacity of stakeholders as required by the Mandatory Reporting Provisions, to ensure the enforcement and implementation of the laws.

Anti-violence outreach programme

26. This programme targets schools and communities on strategies to end gender-based violence.

Connecting families in communities campaign

27. This Campaign is aimed at sensitising families in communities on the challenges and solutions for parenting to reduce potential child abuse.

VI. Follow-up to the previous Universal Periodic Review

A. International human rights instruments, mechanisms and institutions

Acceptance of international norms - recommendations 79.2, 79.1, 78.2, 78.1, 78.7, 78.6, 78.3, 78.4, 77.1, 78.5

28. Section 5 of the Saint Vincent and the Grenadines Constitution Order makes provision for the protection of persons from inhuman treatment. It states

> 5. Protection from inhuman treatment:
>
> "No person shall be subjected to torture or to inhuman or degrading punishment or other treatment".

29. Recognising its obligation to promote and protect human rights, Saint Vincent and the Grenadines acceded to the following conventions within the past six years:

(a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict March 29, 2011;

(b) International Convention for the Protection of All Persons from Enforced Disappearance March 29, 2010;

(c) Optional Protocol to the Convention on the Rights of Persons with Disabilities October 29, 2010;

(d) International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families October 29, 2010;

(e) Convention on the Rights of Persons with Disabilities October 29, 2010;

(f) Social Security Minimum Standards Convention 1952 November 25, 2015.

30. Saint Vincent and the Grenadines is a Party to the Rome Statute of the International Criminal Court (ICC) and recognises the principles of the Court in the rule of law at the international level, and against perpetrators of crimes against humanity. The government notes the recommendation from the UPR Working Group to ratify the Agreement on the Privileges and Immunities of the ICC.

Cooperation with treaty bodies – recommendations 76.5, 76.4, 76.9, 76.7, 76.8

31. Saint Vincent and the Grenadines recognises its contractual legal obligations with respect to the completion and submission of outstanding reports and is taking the necessary measures to complete and submit outstanding reports.

32. The government has availed itself of technical assistance from UN agencies in the preparation of national reports and has addressed technical incompetence within various government departments through the recruitment of trained personnel. Technical assistance from the United Nations Children's Fund (UNICEF) and the Office of the High Commissioner for Human Rights (OHCHR) in an effort to fulfil its reporting obligations under the respective human rights instruments to which it is a Party.

Cooperation with other international mechanisms and institutions – recommendations 76.6, 78.13

33. The government of Saint Vincent and the Grenadines has sought to be in compliance with all reporting obligations through partnerships with UN agencies, and other institutions regionally and internationally.

34. Saint Vincent and the Grenadines continues to demonstrate its willingness to participate meaningfully within the international community through its membership in various regional and international Organisations. While the Government is desirous of having representation in key diplomatic centres globally especially in cities which serve as hubs to the UN System, financial constraints persist. However, discussions are ongoing within the OECS and the CARICOM to consider joint representation outside of the Caribbean region.

Constitutional and legislative framework – recommendations 79.14, 79.13, 78.15, 79.12, 79.15, 79.3, 79.17, 79.16, 78.16, 79.5, 79.10, 76.19, 76.18, 77.3, 78.9, 79.11, 78.8

35. The constitution of Saint Vincent and the Grenadines provides protection against all forms of discrimination and secures protection of the law.

36. Sections 146–148 of the Criminal Code of Saint Vincent and the Grenadines criminalises the act of buggery as follows:

Section 146 states that Any person who:

(a) Commit buggery with any other person;

(b) Commits buggery with an animal; or

(c) Permits any person to commit buggery with him or her, is guilty of an offence and liable to imprisonment for ten years.

Section 147. Assault with intent to commit buggery.

Any person who commits an assault with intent to commit buggery, is guilty of an offence and liable to imprisonment for seven years.

Section 148. Indecent practices between persons of the same sex.

Any person who, whether in public or private, commits any act of gross indecency with another person of the same sex, or procures or attempts to procure another person of the same sex to commit an act of gross indecency with him or her, is guilty of an offence and liable to imprisonment for five years.

37. The laws of Saint Vincent and the Grenadines does not discriminate against a child based on the child's or his or her parent's or legal guardian's disability.

38. The Education Act CAP 202 of the Laws of Saint Vincent and the Grenadines 2009, Revised Edition provides for corporal punishment as follows:

Section 52 addresses Corporal punishment in schools:

(a) Subject to subsections (6) and (7), a principal may direct that corporal punishment be administered as a last resort to a student –

(i) in accordance with subsection (2); and

(ii) if no other punishment is considered suitable or effective in the particular case.

(b) Corporal punishment may be administered –

(i) by the principal, deputy principal, or a teacher specifically designated by the principal for the purpose;

(ii) in the principal's office or other private room in the school in the presence of another teacher;

(iii) using an instrument prescribed by the regulations; and

(iv) in conformity with any written guidelines issued by the Chief Education Officer.

(c) Where corporal punishment is administered an entry shall be made in a punishment book which is to be kept in the school for the purpose of indicating the nature and extent of the punishment and the reasons for administering it.

(d) A person, other than a parent, or a person mentioned in subsection (2)(a), who administers corporal punishment to a student on school premises commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(e) A person who administers corporal punishment to a student on school premises contrary to paragraph (b), (c) or (d) of subsection (2) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

(f) The Minister may, by an order published in the Gazette, suspend or abolish corporal punishment in all schools and a person who administers corporal punishment contrary to such order commits an offence and is liable on summary conviction to a fine of two thousand dollars.

(g) An order made under subsection (6) shall be laid before the House of Assembly within three months of the date of its making and is subject to annulment by a resolution of the House of Assembly supported by the votes of a majority of the members present and voting.

39. The government of Saint Vincent and the Grenadines has undertaken a number of efforts to address gender based violence including legislative reform, public education, social policy, and social support and policing. The new DV Act provides a legal framework for the protection of children, while the Family Court is the government agency responsible for monitoring and protecting the welfare of children. Non-governmental Organisations concerned with achieving gender equality and ending gender based-violence have also made important contributions to work in this area. However, despite improved action by civil society and the state, a multi-sectoral, multi-level approach to ending gender-based violence is required.

40. The recently passed DV Act 2015 was revised to fully integrate the provisions of the CRC into the reform process making it mandatory that children be considered within the context of a domestic dispute.

41. The government used the considerations from UNICEF as the basis to guide and inform the reform process during the harmonization of domestic legislation with the CRC.

Institutions and policies – recommendations 78.12, 78.10, 78.11

42. Saint Vincent and the Grenadines has a National Human Rights Association which was established June 1, 1986. It is governed by a constitution and its objectives are as follows:

(a) "To work to promote the observance of human rights in their various aspects: civil, political, economic, social and cultural in Saint Vincent and the Grenadines".

(b) "To promote the education of Vincentians on their human rights and responsibilities".

(c) "To collate, record and publicize abuses of human rights".

(d) "To seek ways and means to remedy abuses of human rights, whether through the courts, other tribunals, workers' Organisation or otherwise, as the case may require".

(e) "To liaise with and become affiliated to other human rights Organisations in the Caribbean and further afield, as the Association deems fit".

B. Human rights education and cooperation with civil society

Human rights training – recommendations 76.26, 76.16

43. Education on the rights of citizens has always been a fundamental aspect of the training for law enforcement offices in Saint Vincent and the Grenadines. The Trafficking in Persons Act established a Unit within the RSVGPF to address issues relating to the trafficking of persons and to conduct public sensitisation.

44. A number of senior officers within the RSVGPF were beneficiaries of capacity building and technical skills training programmes on human rights, facilitated by the International Organisation for Migration (IOM). Some of the areas addressed by the training programmes were:

(a) improving coordination for better victims assistance and criminal justice;

(b) combating human rights violations through the use of a national plan of action;

(c) sensitising the public through awareness campaigns and conducting training sessions.

45. The Trafficking in persons Unit in collaboration with the district offices organise and conduct training and sensitisation sessions for NGOs and other entities on an ongoing basis placing special emphasis on vulnerable communities.

46. The training sessions conducted under the auspices of the IOM resulted in the development and inclusion of a syllabus on human rights being included in the training programme of the RSVGPF Training School. Police Officers are more acquainted human rights issues. As a matter of policy, a police officer charged with the responsibility of addressing sensitive matters as it pertains to domestic violence and matters concerning children is present at all times at stations within the state.

47. Training courses for police officers are regularly organised locally and regionally by the Regional Security System. Police Officers are taught the fundamentals of human rights protection and how to effectively investigate reports to ensure that perpetuators are brought to justice.

48. A module on Gender-Based Violence was incorporated into the curriculum at the training school of the RSVGPF to enhance their investigative capacity for allegations of domestic violence.

49. The RSVGPF has proposed to train police officers in the new Domestic Violence Legislation for 2016.

Context, statistics, budget, cooperation with civil society – recommendations 77.2, 77.4

50. Generally, civil society, Faith-Based Organisations, Community Based Organisations and NGOs are sensitised about legislative changes through various avenues. Public consultations are held on important issues and consideration is given to public opinion even before certain changes are made to legislation.

51. National Committees were established comprising government departments and NGOs that focus on developing joint responses to dealing with issues affecting families. Some of these committees include the National Committee on the Rights of the Child, the National Child Justice Action Committee, and the National Committee to ending Gender-Based Violence. For the specific purpose of changes to legislation affecting the rights of citizens, Select Committees comprising government departments and NGOs advise the Parliament on provisions that affect the rights of citizens.

52. A National Chiid Protection and Child Justice Monitoring System was developed to allow for electronic data collection as it relates to these matters for both state and non-state agencies. Additionally, a monitoring and evaluation unit within the Ministry of National Mobilisation was established to analyse social data to inform policies affecting children.

Non-discrimination – recommendations78.18, 78.26, 77.5

53. Chapter 9(1) of the constitution of Saint Vincent and the Grenadines says:

> "a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance".

54. The Government observes the laws that prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services. The law does not mandate access to buildings for persons with disabilities. However, the government has undertaken to provide such access wherever it is practical to do so.

55. Section 13 of the Constitution Order of Saint Vincent and the Grenadines makes provision for the Protection from discrimination on the grounds of race, etc. It reads as follows:

> 13. Protection from discrimination on the grounds of race, etc.
>
> (a) "Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect."
>
> (b) "Subject to the provisions of subsections (6), (7) and (8) of this section, no persons shall be treated in a discriminatory manner by any persons acting by virtue of any written law or in the performance of the functions of any public office or any public authority".
>
> (c) In this section, the expression **"discriminatory"** means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.
>
> (d) Subsection (1) of this section shall not apply to any law so far as that law makes provision –

(i) for the appropriation of public revenues or other public funds;

(ii) with respect to persons who are not citizens;

(iii) for the application, in the case of persons of any such description as is mentioned in subsection (3) of this section (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law of persons of that description;

(iv) whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage that, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society;

(v) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to sex, race, place of origin, political opinions, colour or creed) to be required of any person who is appointed to or to act in any office or employment;

(vi) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or subsection (5) of this section.

(vii) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 7, 9, 10, 11 and 12 of this Constitution, being such a restriction as is authorised by section 7(2), 9(5), 10(2), 11(2) or 12(3)(*a*), (*b*) or (*h*), as the case may be;

(viii) Nothing in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

56. Saint Vincent and the Grenadines has moved towards mainstreaming gender in the health, education, agricultural and social services sectors to take into consideration gender identity and recognising the human and reproductive rights of citizens.

57. Various government entities conduct campaigns each year to observe all articles associated with non-discrimination within UN Conventions.

58. Sections 146–148 of the Criminal Code of Saint Vincent and the Grenadines makes provision for:

Section 146. Buggery

Any person who:

(a) Commit buggery with any other person;

(b) Commits buggery with an animal; or

(c) Permits any person to commit buggery with him or her,

(d) is guilty of an offence and liable to imprisonment for ten years.

Section 147. Assault with intent to commit buggery

Any person who commits an assault with intent to commit buggery, is guilty of an offence and liable to imprisonment for seven years.

Section 148. Indecent practices between persons of the same sex

Any person who, whether in public or private, commits any act of gross indecency with another person of the same sex, or procures or attempts to procure another person of the same sex to commit an act of gross indecency with him or her, is guilty of an offence and liable to imprisonment for five years.

C. Sectoral policies

Death penalty – recommendations 79.6, 79.479.7, 77.6, 79.8

59. CAP 168 of the Revised Laws of Saint Vincent and the Grenadines makes provision for the execution of persons convicted in Capital Offences. The last time the death sentence was carried out in Saint Vincent and the Grenadines was in February 1993. There has been no execution of persons convicted of capital offences since then. The Judicial Committee of the Privy Council (JCPC) is the final Court of Appeal for Saint Vincent and the Grenadines. Accordingly, it is noted that the provisions of the laws of the country are fully interpreted in conjunction with decisions delivered by the JCPC such as Pratt and Morgan v AG (1993); Spence & Hughes v The Queen (Saint Vincent and the Grenadines and Saint Lucia) (2001) and Daniel "Dick" Trimmingham v The State of Saint Vincent and the Grenadines (2009) UKPC 25.

Prohibition of torture and cruel, inhuman or degrading treatment – recommendations 79.9, 76.15

60. Section 5 of the Saint Vincent and the Grenadines Constitution Order makes provision for the protection of persons from inhuman treatment. It states

5. Protection from inhuman treatment:

"No person shall be subjected to torture or to inhuman or degrading punishment or other treatment".

Conditions of detention – recommendations 77.10, 78.19, 77.9

61. The government of Saint Vincent and the Grenadines completed and operationalised a new correctional facility at Belle Isle in 2012, which meets all minimum international prison standards and adheres to the Mandela Rules.

62. Saint Vincent and the Grenadines observes the Bangkok rules in its treatment of female prisoners and houses male and female prisoners separately.

63. There is a Visitors Justice Committee comprising representatives from civil society Organisations that ensures the minimum standards of living and other conditions of detainment are met. The committee also addresses any concerns raised by inmates and is independent of the prison services.

64. A skills training programme for inmates is available. Training is provided in the areas of carpentry, welding, auto mechanic, basketry or straw craft and agriculture.

65. Counselling Services are provided to inmates through in-house Counsellors, and through external entities and NGOs such as Marion House.

66. Inmates are allowed to practice their religion freely in accordance with the constitution of Saint Vincent and the Grenadines.

67. A doctor is assigned to the prison facility and visits the facility twice per week to address the health and wellbeing of inmates. In cases of emergency, inmates are taken to the General Hospital for treatment.

68. The Ministry of Education provides through the Caribbean Examination Council second chance initiative an academic development programme for inmates.

Liberty and security – recommendations 76.17

69. The Special Measures Act provides for video testimony by persons considered to be vulnerable victims, children and anyone afraid of giving testimony in open court. Testimony is prerecorded and played via a video link and produced as evidence in real time.

70. The government also operates a witness protection programme; its details are closely guarded.

Administration of justice and fair trial – recommendations 76.14

71. There is a Public Relations and Complaints department which addresses complaints by citizens of alleged misconduct, assault and other forms of abuse by police officers. Serious are escalated to an independent Oversight Committee comprising representatives from civil society Organisations.

D. Economic, social and cultural rights

Rights related to marriage and family – recommendations 78.23, 78.24

72. The Marriage Act stipulates that parental consent is required if either party is below 18 years of age. In Saint Vincent and the Grenadines it is uncommon for marriage to take place below age 18. Nevertheless, the department of Ecclesiastical Affairs within the government will endeavour to engage key stakeholders such as Marriage Officers, churches and the Attorney's General's Office with the aim of reviewing the minimum age for marriage for both male and female.

Right to an adequate standard of living – recommendations 76.12, 76.27, 76.28

Housing

73. Saint Vincent and the Grenadines recognises housing as a human right and is obligated to eliminate sub-standard living conditions to provide its citizens with adequate housing. The Housing and Lands Development Statutory Corporation (HLDC) together with the Ministry of Housing, Informal Human Settlements, Land and Surveys and Physical Planning spearhead government's housing programmes for no-income, low-income and middle-income persons. The mandate of the HLDC is to assist the government in providing affordable housing opportunities for Vincentians nation-wide, while simultaneously embarking on the development endeavours designed strategically to ensure its sustainability and validity as a statutory corporation.

74. Under the housing revolution, the government has provided as at December 2015 approximately1,200 homes, over 500of which were low income houses. The government

has also introduced a "Lives to live" Programme which commenced early 2015 designed to assist persons in the no-income/vulnerable group (persons earning less than USD $3,500.00 per annum) particularly the aged and the physically and mentally challenged. This programme is the first of its kind in the history of Saint Vincent and the Grenadines. Houses under this programme are appropriately designed and constructed or renovated to include all basic amenities. As at December 2015 a total of 108 homes were completed and 90 were ongoing.

75. Under a policy of "Turning Dead Capital into Live Capital", State-owned lands were provided to thousands of Vincentians already occupying these lands at subsidized rates for housing purposes. Lands were offered at rates of USD $0.04 per square foot and this was further complemented with the regularisation of informal human settlements by the delivery of land surveying and infrastructural services such as roads and drains.

76. Additionally, in the aftermath of natural disasters and the devastating floods of 2010, 2011 and 2013, the government embarked on large scale programmes to distribute building materials, repair existing houses and construct new houses at no cost to beneficiaries.

Social security

77. The Government of Saint Vincent and the Grenadines continues to implement numerous schemes to improve the lives of its people.

(a) A Poverty Relief Fund and the Banana Accompanying Measures Scheme were established within the Ministry of Agriculture, Rural Transformation, Forestry and Fisheries. These mechanisms enable farmers to cope with the fall-out from Bananas.

(b) A Social Recovery Programme within the Ministry of Social Development to identify and support social and community development initiatives.

(c) The Basic Needs Trust Fund Project is a regional programme sponsored and managed by the Caribbean Development Bank which has been in operation for the past two decades. This programme assists vulnerable communities with improving access to public services through the provision of social and economic infrastructure and the development of skills to enhance employability.

(d) The Home Help for the Elderly programme provides home care and supervision to over 300 dependent elderly .It is designed to assist the destitute elderly and create employment for care-givers. The assistance provided ranges from domestic chores to personal hygiene.

(e) Social Safety Net Programme (Public Assistance) the Ministry of Social Development provides public assistance to indigent, elderly, disabled, and other vulnerable persons particularly children of the poor for housing, transportation, education and meals. It provides monthly monetary assistance of approximately USD $85.00 to over 6000 persons. Additional assistance is provided to the elderly in the form of subsidies for water and electricity.

(f) Technical Vocational and Education Training Programme. A government-sponsored initiative in which young persons are trained and certified in skilled areas for employment. Areas of training include carpentry, pottery, craft, welding and plumbing. There is an on-going Adult Literacy and Skills Training programme offered at the community level through the Ministry of Education.

(g) The National Insurance Services (NIS) offers social security programmes to provide long-term benefits which assist persons after retirement. Part of the NIS strategic thrust is "to administer its social security programme with a view towards alleviating poverty and increasing the standard of living in Saint Vincent and the Grenadines". One of

the key programmes offered by the NIS is the Non-Contributory Assistance Age Pension which offers small financial assistance to elderly persons who do not qualify for a pension and are not in receipt of any other means of support.

Poverty reduction

78. The eradication of poverty remains high on the government's agenda. The Government continues to undertake various initiatives and programmes on the "War against Poverty" which are driven by a decisive approach to poverty reduction and guided by a carefully elaborated Interim Poverty Reduction Strategy Paper (I-PRSP) which has been the blueprint for all poverty reduction initiatives undertaken to date.

79. The Government's objectives are to maximise the economic potential of the country in an effort to deliver higher, sustainable growth, eradicate poverty, reduce unemployment, and improve the general welfare of the population within a framework of enhancing good governance.

80. As is evident from the National Economic and Social Development Plan (2013-2025) (NESDP) poverty reduction in Saint Vincent and the Grenadines requires the expansion of the economy, and with it, the generation of incomes and productive employment for the poorer sections of the community. The government seeks to foster greater collaboration among public policy makers, civil society, private sector and academics to develop appropriate solutions to poverty such as the formation of cooperatives, strengthening of the social protection safety nets, improving on skills training, particularly among the youth so as to promote community agri-business and community-based tourism.

81. Further, it should be noted that Saint Vincent and the Grenadines is a target country under the OECS-UNDP Multidimensional Approaches to Poverty Reduction Project. This project seeks to identify the extent to which the vulnerable experience poverty and deprivation across multiple spheres, understanding that income is an insufficient measure of poverty and taking into consideration factors such as access to social protection mechanisms, household characteristics, labour market resources and the ownership of assets.

82. The results of this two year project which was officially published in April2015 will further enable the government through the Ministry of National Mobilisation, to implement more effective and innovative approaches to policy, planning and development initiatives for the achievement of poverty reduction goals.

Right to food – recommendations76.30, 76.29

83. Recognising the Right to Food as a basic human right, the Government continues to strive to achieve Zero Hunger, Zero Poverty and Zero Under-nourishment. In June 2013, Saint Vincent and the Grenadines was recognised by the UNFAO for achieving the twin-goals of the Millennium Development Goals and the FAO's World Food Summit target of more than halving the number of hungry or under-nourished people, absolutely and proportionately, between 1992 and 2012. Consequent to this achievement, the Government in 2015 embarked on the Zero Hunger Challenge Initiative. This initiative seeks to reduce hunger and malnutrition over the next five (5) years to the extent where every Vincentian has physical and economic access to sufficient, safe and nutritious food at all times, that meets their dietary needs and food preferences for an active and healthy life.

84. The Zero Hunger Challenge Initiative for Saint Vincent and the Grenadines identifies three (3) specific objectives:

(a) to promote the sustainable production of safe, affordable, nutritious and high quality food and maintain sustained level of food imports;

(b) to improve the nutrition and health status of the population;

(c) to ensure access of households and individuals to nutritious, safe and affordable food at all times with special attention paid to the food insecure and nutritionally vulnerable group.

85. Some of the achievements to date since the commencement of the initiative include:

(a) the establishment of a Parliamentary Front against Hunger and Undernourishment;

(b) establishment of an inter-ministerial committee to draft the policy document on Zero Hunger;

(c) completion of the Zero Hunger Action Plan.

86. Overall, the Action Plan will:

(a) conduct an Agricultural Census so that targeted interventions can be made regarding production and import substitution;

(b) strengthen the School Feeding Programme by way of improvement of physical infrastructure and human resources particularly having a nutritionist assigned to the programme;

(c) expand public assistance to the needy, particularly those who are nutritionally at risk;

(d) modify food products offered by the Nutrition Support Programme to make it more relevant to the needs of the client, example baby formula for children with HIV/AIDs, and those who are severely stunted;

(e) revise the national food based dietary guidelines.

Right to health – recommendations 76.24, 76.32, 77.14, 77.13, 77.15

87. The government considers access to health care a fundamental right of all Vincentians and has made significant progress in the delivery of health care over the past 10 years. The goal is to continue to provide affordable comprehensive health care to all citizens and to ensure that environmental concerns are considered in all aspects of national development. Further, the Government is committed to ensuring that all citizens have access to clean drinking water, proper sanitation, and a safe environment free from health hazards.

88. The government has undertaken a number of initiatives geared towards addressing the problems associated with juveniles. Two of the key initiatives are the Drug Abuse Resistance Education Programme commonly referred to as the: "DARE Programme", and the Pan against Crime Initiative (PCI).

89. The DARE Programme was established in February 1997 by the Royal Saint Vincent and the Grenadines Police Force in collaboration with the Ministry of Education. The objectives of the programme include:

(a) to reduce the onset of drug use among the youth;

(b) to promote tolerance and resist violence;

(c) to develop positive relations with police and the community;

(d) to develop positive attitude, building self-esteem among the youth helping them to become and well-adjusted member so of communities.

90. The programme is considered to be a tremendous success as over the years, several participants leaving the programme joined the RSVGPF. Furthermore, reports indicate a reduction in the levels of crime in areas associated with drug use.

91. The PCI is organized by the National Commission and Crime Prevention Unit within the Ministry of National Security. This Unit was established to provide alternative solutions for youth susceptible to delinquency. Under the PCI, twelve (12) steel pan sides were established in communities with a history of violence and other criminal activities among juveniles. This Programme was influential in reducing conflict and fostering community cohesion. A number of these sides are now involved in national steel-pan competitions.

92. The Saint Vincent and the Grenadines Planned Parenthood Association in collaboration with the National Family Planning Unit implements programmes to promote adolescent health and reproductive issues.

93. Guidance Counsellors are assigned to secondary schools to identify behavioural problems, to refer cases to relevant entities for follow-up and provide necessary assistance to students.

94. Children 16 years and under receive free medical care at public health centres throughout the State, andante and postnatal care covering all aspects of maternal and child health are also delivered through these community health centres.

95. There is a comprehensive School Health Programme which covers early childhood, primary and secondary schools. This includes identification and treatment of common health problems, immunization and counselling. Saint Vincent and the Grenadines achieved virtually 100 per cent immunization of children.

Right to education – recommendations 77.16, 76.33, 76.31

96. Saint Vincent and the Grenadines embarked on a comprehensive education revolution at every level. The Government is committed to achieving the following:

(a) expand quality universal access to all educational institutions;

(b) one hundred percent access to early childhood education;

(c) one college/ university graduate per household by 2025;

(d) strengthening financial support for students are all levels;

(e) continue the economically disadvantage programme;

(f) to further improve the existing school feeding programme.

97. The government partners with the providers of early childhood education and care to increase access to and participation in quality early childhood education. Access is free for pupils enrolled in the nine government preschools. The government also provides a subvention to the private providers of early childhood education whose enrolment and standards fulfil certain established criteria.

98. At the primary level, the School Feeding Programme provides pupils with a means of obtaining subsidised, nutritious meals at their respective institutions. This programme deters absenteeism due to hunger, and encourages students to participate in school meaningfully. Additionally, the Ministry of National Mobilisation provides uniform and textbook assistance, as well as social and financial support for needy pupils, thereby enabling their participation in the learning process.

99. Secondary school students are able to benefit from social safety net programmes such as the "Book Loan Scheme", transportation subsidies, uniform assistance and the Second Chance Initiative for teen mothers.

100. The Book Loan Scheme allows students to rent the majority of their texts for approximately USD$20 for the academic year thus reducing significantly the cost to access education. By subsidising transportation students from even the most remote districts of the country can access their education at a very low cost by using school buses. The Ministry of National Mobilisation administers uniform assistance to economically challenged students by providing the requisite clothing for their institutions. Support for the reintegration of teenage-mothers into the school system occurs through the payment of fees, purchase of books, provision of transportation, and the provision of day-care services for babies. The success of this programme has become a regional best practice of the UN Population Fund. In the meantime, planning is extended to provide support services to young fathers, better preparing them for the role of fatherhood.

101. At the post-secondary level, educational services are provided either free or at a very basic cost. The government subsidises education at this level by financing the Saint Vincent and the Grenadines Community College.

102. The government has a policy of providing student loans under the Economically Disadvantaged Student Loan Programme. This allows students falling within the aforementioned socio-economic category access to loans (guaranteed by the State) for tertiary level education. This is in keeping with the vision of having at least one university graduate per household by 2025.

103. The challenges experienced by some students led to the creation of a Student Support Services Unit which provides academic remediation as well as interventions for behaviour modification. Additionally, most schools have a trained Counsellor to provide for students' psychosocial needs and support school retention. at school.

104. A School Attendance Officer works in conjunction with a Social Worker, the Police and the Ministry of National Mobilisation to track, monitor and bring truant students into compliance.

105. The Street Children Rehabilitation Programme was implemented to address the concern of children living or working on the street and, those at risk of doing so to ensure their return to school. Assistance and parental training are also provided to the parents to care for these children.

106. The Ministry of Education, in conjunction with regional and international partners, continues to strengthen its policies to ensure that the quality of the educational services provided is consistent with the needs of all of its people, irrespective of their socio-economic status.

107. The Education Sector Development Plan (ESDP, 2014-2019) is built on the pillars of quality, relevance, equity, access and participation, with its strategies aligned to the National Economic and Social Development Plan. The ESDP is itself closely linked to the OECS Education Sector Strategy 2012-2021. Given this, the Ministry of Education, National Reconciliation and Ecclesiastical Affairs is able to receive support for the implementation of key strategies from regional and international partners.

108. Some areas of cooperation at the moment are:

- UNICEF
    - The Child Friendly / Effective Schools plan
    - Strengthening Quality in Early Childhood Education (gender, safety issues);

- Caribbean Development Bank
    - The Technical and Vocational Education and Training (TVET)
- Development Plan
    - Infusing gender responsiveness into the sector plan;
- The Global Partnership for Education/OECS/World Bank – Strengthening School Leadership; Improving Teacher Professional Development and Curriculum and Assessment;
- UNESCO provides grants for schools to implement projects to improve students' engagement.

109. Partnerships at the prime ministerial level have resulted in the One Laptop per Student Initiative to facilitate the integration of ICT into the curriculum. Students received a laptop to assist with their research and creativity and to have access to a wide variety of productivity tools for their education.

110. In reviewing the progress of Saint Vincent and the Grenadines, it is worth noting that the country achieved Universal Primary Education in the 1990's and Universal Access to Secondary Education in 2005/2006. At the primary level, there were 66 institutions for the period 1994/1995 to 2008/2009. In September 2009, two new institutions were opened, one public and the other private/ church affiliated. Currently, there are 57 public and 11 private/ government assisted primary schools. In the secondary sector, there were 21 institutions for the period 1993/1994 – 2004/2005.

111. In September of 2005, Saint Vincent and the Grenadines achieved Universal Secondary Education. Classroom spaces were augmented at existing schools by the construction of timber buildings, through the conversion of primary schools into secondary institutions and through the construction of new and replacement school buildings. There presently are 26 secondary schools which provide learning facilities to the nation's youth. While there has been an increase in access, there was a reduction of -2.3% in the country's population from 1991–2001 as indicated in the Population and Housing Census Report of 2001. Similarly, enrolment at both the primary and secondary levels declined from 1990 to present.

112. The Saint Vincent and Grenadines Community College (SVGCC) since inception endeavoured to satisfy the educational needs of both youth and adults. The autonomous body has sought to provide a variety of disciplines in preparation for various vocations.

113. The SVGCC has entered into partnerships with various tertiary institutions such as the University of the West Indies and the University of Technology in Jamaica. Arrangements with these institutions allow graduates to complete 2 years of study at home and pursue another 2 years of study at either of these institutions and subsequently obtain a Bachelor's degree. This realises both private and public savings on expenditure.

114. Additionally, the government has partnered with other supportive governments and agencies to provide more scholarships in increasingly diverse fields enabling nationals to pursue higher education in the field of their choice. This, again, is in keeping with the vision of having at least one university graduate per household by 2025.

115. With regard to the support from the health sector, the School Feeding Programme is offered to students at the primary level with the strict cooperation of the Nutrition Support Programme in the Ministry of Health, Wellness and the Environment. Not only do they oversee the purchase of healthy, wholesome foods, but they also partner with the Ministry of Education, National Reconciliation and Ecclesiastical Affairs in the training of our cooks

and food handlers and, with the assistance of the Ministry of Agriculture, in the preparation of varied menus.

116. As part of the initiative to reduce hunger to zero before 2020, the aforementioned ministries will continue to collaborate to provide structures to support children's nutrition to enhance their overall development.

117. The Ministry of Health, Wellness and the Environment conducts audiology and vision tests on students and ensures that information and support are provided to all schools with regard to matters relating to health.

118. The Ministry of Tourism, Sports and Culture supports the provision of opportunities for students to take part in physical education and related activities.

E. Specific rights – women, children and persons with disabilities

Gender-based violence – recommendations 76.20, 77.7, 76.21, 76.22, 77.8

119. The government of Saint Vincent and the Grenadines made a commitment to carry out its obligations in adopting and promoting the implementation of the Quito Consensus outlined at the Tenth Regional Conference on Women in Latin America and the Caribbean. The government continues to strengthen its institutions, programmes and partnerships to become catalyst to economic turnaround and social progress.

120. The government honours its duties under the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention on the Political Rights of Women (1953); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000); and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Convention Of Belem Do Para"(1994).

121. The creation of the Gender Affairs Department in 2001 has had an important and positive impact on the way in which gender-related issues are regarded.

122. A general policy of prohibiting discrimination on the basis of sex is embodied in Article 13 of the Constitution of the State. Further, the protection of the Courts for the infringement of any Constitutional Rights is guaranteed under Section 16 of the Constitution. This section guarantees the right of access to the courts in order to assert a claim arising from infringement of fundamental rights of all persons.

123. Legislation was passed which seeks to provide relief for women in specific situations where discrimination is perceived to be taking place. The main example of this is maternity leave.

124. The government formulated a National Population Policy and established a Population Policy Unit in the Central Planning Division. Subsequently, a comprehensive Social Planning framework was developed, the action plan of which, is driven by the Inter-Ministerial Committee on Social development. The core of the committee's mandate is the realisation of gender equity and gender equality.

125. The Gender Affairs Division provides information and training to women and to the general public on issues related to gender.

126. The Gender Affairs Division of the Ministry of National Mobilisation in collaboration with the UN Entity for Gender Equality and the Empowerment of Women (UN Women) developed a multi-sectoral National Plan of Action to address the problem and create safer communities with the ultimate goal of achieving gender justice for all.

127. The government has accorded high priority to the reduction of domestic violence and violence against women in all forms. In this regard the work of the Family Court is strongly promoted within the society and women are encouraged to seek redress in circumstances of abuse. Efforts to increase legal and judicial protections and health sector capacity are supported in response to sexual and gender-based violence and the fight against human trafficking.

128. In 2011,the Ministry of National Mobilisation collaborated with UNWOMEN and the Association of Caribbean Commissioners of Police to implement the "Strengthening State Accountability and Community Action for Ending Gender-Based Violence in the Caribbean" Project.

129. The government launched an anti-violence campaign in 2014. Fifty-eight(58) schools, twenty(20) communities and 75% of survivors reporting allegations of domestic violence per year participated in the campaign that will continue in 2016.

Children, definition, general principles, protection – recommendations 76.3, 76.23, 77.12

130. The harmonization of laws affecting children will commence in 2016 to address the gaps within existing laws in lieu of the enactment of the new child legislations. The recommendation to increase the age of employment of young persons from14 years is currently being considered.

131. A juvenile according to the Child Justice Bill is defined as any child within the ages of 12-18 years old. The Bill proposes an assessment to determine placement into approved diversion programmes or detention programmes with a minimum sentencing period of thirty-eight (38) days or a maximum of two (2) years. The Bill is proposed for the Legal Agenda in 2016 to aid in the completion of the reform process.

Children, protection against exploitation – recommendations 78.25, 78.20

132. Saint Vincent and the Grenadines since ratifying the International labour Organisation (ILO) Convention in 2006 is yet to take the necessary steps to harmonize domestic legislation to give effect to its treaty obligations under the ILO Convention.

133. While domestic legislation is yet to be harmonized to reflect international legal obligations for Saint Vincent and the Grenadines under the ILO, the government remains committed to taking the necessary steps to address the contradiction between the minimum age for admission to employment, and the age of completion of compulsory education, and would follow-up on this matter with some degree of urgency.

134. Saint Vincent and the Grenadines has passed legislation governing the Employment of Women, Young Person and Children Act, which specifies that:

Children under the age of 14 years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

135. The Civil Service Orders governing the public service of Saint Vincent and the Grenadines specifies that:

To be eligible for appointment to the public service a candidate must be over 17 years of age.

Juvenile justice – recommendations 76.25, 78.21, 78.22, 77.11

136. Section 136 of the Prison Act – provides for the separation of Juveniles from other offenders.

137. The Liberty Lodge Boys Training Centre is being refurbished with provisions made for a wing for female offenders.

138. Implementation of legislation regarding a juvenile justice division programme.

139. Prison Act Section 29 provides for the transfer of juveniles and committing them to approved schools.

140. Inclusive education efforts are ongoing with investments made in strengthening the capacity of schools to prioritise children with special needs. Training was provided for school personnel, children and mainstream teachers to identify and address the needs of children with special needs.

Persons with disabilities – recommendations 76.11, 76.10 and 78.17, 76.13

141. The government observes the laws that prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services. The law does not mandate access to buildings for persons with disabilities. However, the Government has undertaken to provide such access wherever it is practical to do so.

142. The government supports a school for persons with disabilities and the Ministry of National Mobilisation is responsible for assisting persons with disabilities.

143. There is no discrimination against a child based on the child's or his or her parent's or legal guardian's disability. In practice however there is a difficulty in providing services such as education and health care to children with certain types of disability which render them unable to attend the available institutions geared towards the care of persons with disability.

144. Due to financial and human resource constraints, a study concerning how the education of disabled students can be implemented through mainstream educational settings was not conducted. However, it is envisaged that further research for this vulnerable population will form part of the comprehensive implementation plan over a maximum five year period for persons with disabilities.

145. Mandatory accessibility standards with respect to new and renovated construction to ensure the avoidance and removal of barriers that hinder access by persons with disabilities are now integrated into the national physical planning building codes for construction for all public spaces.

146. A National Committee was established in 2015 to introduce all measures for implementation of international commitments and a draft implementation plan has been designed. Funding for this implementation is being sought in 2016 to compliment Government's contribution to this comprehensive effort in addressing the rights of persons with disabilities.

F. Development

Right to development – general measures of implementation – recommendations 76.1, 76.2

147. Saint Vincent and the Grenadines holds central the rights and freedoms of its citizens as fundamental to the country's continued growth and development. The Government is cognizant that development is first and foremost about improving the quality of life for its citizens however, the country continues to deal with the challenges of the global economic crisis, and adverse climatic conditions which impacted heavily on the government's ability to implement all its social policies and programmes.

148. The political will of the government is to ensure its citizens rights and freedom guaranteed under the constitution are promoted and protected. A number of key policies and initiatives (already highlighted above) were undertaken in partnership with external and internal partners to meet these challenges, notably in the area of education, housing, health and food security. The adoption of the National Economic and Social Development Plan (2013–2025) guides the optimal improvement of the quality of life for all Vincentians outlining a strategy to achieve sustainable economic growth, job creation, and poverty reduction. These will be accomplished through five strategic goals namely: re-engineering economic growth; enabling increased human and social development; promoting good governance and increasing the effectiveness of public administration; improving physical infrastructure, preserving the environment and building resilience to climate change and building national pride, identity and culture.

VII Challenges and constraints

149. As a Small Island Developing State, Saint Vincent and the Grenadines is particularly vulnerable to any global economic shocks. Therefore inadequate or lack of financial resources to fund new and existing initiatives and programmes both governmental and non-governmental continue to be a major challenge.

150. The following were challenges faced by respective government departments in promoting Human Rights and implementing the recommendations:

(a) Dependency Syndrome amongst families on social services;

(b) Unemployment and Entrepreneurship Deficits;

(c) Parental Irresponsibility;

(d) Youth Deviance and Irresponsibility;

(e) Individualism rather than Team Work;

(f) Limited community spirit and volunteerism;

(g) Demand greater than supply of services;

(h) Crime and Violence.

VIII Technical assistance

151. The government recognises that human rights are always evolving and is thus dedicated to ensuring that the human rights of its people are respected and enforced. However, the Government understands that shortage of personnel and financial resources can hinder the compilation and analysis of data to produce requisite human rights report and acknowledges the need for assistance in this regard.

United Nations A/HRC/WG.6/25/VCT/2

General Assembly

Distr.: General
7 March 2016

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-fifth session
2-13 May 2016

Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Saint Vincent and the Grenadines

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

GE.16-03605(E)

Please recycle

I. Background and framework

A. Scope of international obligations[1]

1. International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified not accepted*
Ratification, accession or succession	ICERD (1981) ICESCR (1981) ICCPR (1981) CEDAW (1981) CAT (2001) CRC (1993) OP-CRC-SC (2005) ICRMW (2010) CRPD (2010) ICPPED (signature, 2010)	OP-CRC-AC (2011)	ICCPR-OP 2 OP-CAT ICPPED (signature, 2010)
Reservations and/or declarations		OP-CRC-AC (declaration, art. 3.2, minimum age recruitment, 19 years)	
Complaints procedures, inquiries and urgent action[3]	ICCPR-OP 1 (1981) CAT, art. 20 (2001) OP-CRPD, art. 6 (2010)		ICERD, art. 14 OP-ICESCR ICCPR, art. 41 OP-CEDAW CAT, arts. 21, 22 OP-CRC-IC ICRMW, arts. 76 and 77

2. Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol[4]		

Status during previous cycle	*Action after review*	*Not ratified*
Conventions on refugees and stateless persons (except 1961 Convention on the Reduction of Statelessness)[5]		1961 Convention on the Reduction of Statelessness
Geneva Conventions of 12 August 1949 and Additional Protocols I and II[6]		Additional Protocol III to the 1949 Geneva Conventions[7]
ILO fundamental conventions[8]		
		ILO Conventions Nos. 169 and 189[9]
Convention against Discrimination in Education		

1. In 2015, the Committee on the Elimination of Discrimination against Women encouraged Saint Vincent and the Grenadines to ratify OP-CEDAW[10] and to consider ratifying ICPPED[11] and the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations.[12]

2. In 2013, the Special Rapporteur in the field of cultural rights urged the country to ratify OP-ICESCR, as well as the American Convention on Human Rights and the Additional Protocol thereto in the Area of Economic, Social and Cultural Rights.[13] During her visit, the Special Rapporteur was not able to clarify the reasons for the situation regarding the ratification of the Convention and its Protocol.[14]

3. Recalling a recommendation from the first universal periodic review,[15] the Office of the United Nations High Commissioner for Refugees (UNHCR) noted that the country was not yet a State party to the Convention on the Reduction of Statelessness, but that it had indicated that it was considering accession to that instrument.[16]

4. Consistent with the recommendations issued during the first universal periodic review, the United Nations subregional team for Barbados and the Organisation of Eastern Caribbean States encouraged Saint Vincent and the Grenadines to ratify international human rights instruments to which it is not yet a party, especially OP-CRC-IC.[17]

B. Constitutional and legislative framework

5. The United Nations subregional team indicated that, in 2009, Saint Vincent and the Grenadines had engaged in a constitutional reform effort after a consultative process with its people from 2003 to 2008. Among the proposed changes to the Constitution were a number of provisions with positive human rights implications. However, the proposed changes had been supported by only 43.13 per cent of voters in a referendum, short of the required two-thirds threshold.[18]

6. The Committee on the Elimination of Discrimination against Women noted the narrow legal definition of rape, which did not cover invasive acts, such as penetration with other body parts or objects, which currently fell under the offence of indecent assault. The Committee urged Saint Vincent and the Grenadines to widen the definition of rape, in order to include other forms of penetration or establish new offences to cover such conduct.[19]

7. The United Nations subregional team indicated that significant gaps remained in children protection laws owing to a significant backlog of legislation that still needed to be drafted or revised. It recommended that Saint Vincent and the Grenadines complete the review of the draft legislation relating to the rights of children and submit it to the Cabinet for approval as soon as possible.[20]

C. Institutional and human rights infrastructure and policy measures

8. The Special Rapporteur on cultural rights noted that there was still no national human rights institution in Saint Vincent and the Grenadines.[21]

9. The subregional team noted that, during the first universal periodic review, Saint Vincent and the Grenadines had not accepted any of the recommendations to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It recommended that, with the support of international partners, the country establish a national human rights institution in accordance with the Paris Principles.[22]

10. The United Nations subregional team further recommended that Saint Vincent and the Grenadines establish an interministerial, institutionalized mechanism to monitor and report on the implementation of recommendations from international human rights mechanisms.[23]

11. The Committee on the Elimination of Discrimination against Women recommended that Saint Vincent and the Grenadines strengthen the authority and visibility of the Gender Affairs Department. It also recommended consolidating gender-mainstreaming activities by adopting a multisectoral national gender policy.[24]

12. The Committee on the Elimination of Discrimination against Women urged Saint Vincent and the Grenadines to provide sufficient technical, human and financial resources for the effective implementation of the National Action Plan on Gender-based Violence and to enhance cooperation with civil society organizations and other relevant stakeholders in that regard.[25]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

13. The Special Rapporteur on cultural rights noted that Saint Vincent and the Grenadines had not submitted its initial report to the Committee on Economic, Social and Cultural Rights[26] and encouraged the country to consider, as a priority, submitting it.[27]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
Committee on the Elimination of Racial Discrimination	August 2003	-	-	Combined eleventh to thirteenth reports overdue since 2006
Committee on	November 1997 (review of	-	-	Initial report overdue since 1990

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
Economic, Social and Cultural Rights	implementation in the absence of a report)			
Human Rights Committee	March 2006 (review of implementation in the absence of a report)	-	-	Second report overdue since 1991
Committee on the Elimination of Discrimination against Women	January 1997	2013	July 2015	Ninth report due in 2019
Committee against Torture	-	-	-	Initial report overdue since 2002
Committee on the Rights of the Child	June 2002	2013	-	Combined second to third reports pending consideration in 2016; initial report on OP-CRC-SC overdue since 2007; initial report on OP-CRC-AC overdue since 2013
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	-	-	-	Initial report overdue since 2012
Committee on the Rights of Persons with Disabilities	-	-	-	Initial report overdue since 2012

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
Committee on the Elimination of Discrimination against Women	2017	Temporary special measures; violence against women[28]	-

B. Cooperation with special procedures[29]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	-	Cultural rights
Visits agreed to in principle	-	-
Visits requested	-	-
Responses to letters of allegation and urgent appeals	During the period under review, no communications were sent.	
Follow-up reports and missions		

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

14. To date, Saint Vincent and the Grenadines had had limited engagement with the Office.[30]

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

15. The Committee on the Elimination of Discrimination against Women was concerned that there was no law on gender equality. It recommended that Saint Vincent and the Grenadines adopt new legislation that fully incorporates the principle of equality of women and men, as well as a definition and prohibition of discrimination on the basis of sex and gender in the public and private spheres.[31] It noted with regret that the 2009 Constitution Bill, which included provisions for equal rights and the same legal status for women and men, as well as the prohibition of discrimination on the basis of sex, had been rejected by a referendum held on 25 November 2009.[32] It recommended that Saint Vincent and the Grenadines review its legislation, including the Criminal Code, the Marriage Act, the Employment of Women, Young Persons and Children Act and the Citizenship Act (1984), by adopting a clear time frame and targets in relation to the law reform process, and amend or repeal all discriminatory provisions.[33]

16. The United Nations subregional team noted that the Constitution prohibited discrimination on the basis of sex, race, place of origin, political opinions, colour or creed, but no specific legislation addressed discrimination based on sexual orientation, gender identity or social status.[34] It also noted that discrimination against lesbian, gay, bisexual and transgender persons included eviction, refusal to offer housing and employment and bullying in schools.[35]

17. The Committee on the Elimination of Discrimination against Women recommended that Saint Vincent and the Grenadines put in place a comprehensive strategy to modify or to eliminate patriarchal attitudes and stereotypes that discriminate against women.[36]

18. The Committee on the Elimination of Discrimination against Women was concerned about information stating that a married woman's ability to pass her nationality on to her husband was subject to the discretion of the responsible minister, who could refuse such transmission of nationality "on reasonable grounds". It recommended that Saint Vincent and the Grenadines amend its relevant legislation to grant women citizens equal rights with men regarding the transmission of their nationality to their foreign spouses.[37] UNHCR encouraged Saint Vincent and the Grenadines to amend its nationality legislation to grant women citizens equal rights with men regarding the transmission of their nationality to their foreign spouses.[38]

B. Right to life, liberty and security of the person

19. In 2014, Saint Vincent and the Grenadines voted against the adoption by the General Assembly of resolution 69/186 on moratorium on the use of the death penalty.

20. The United Nations subregional team indicated that, in 2015, Parliament had passed the new Domestic Violence Act, which introduced a comprehensive definition of domestic violence and made reporting of domestic violence obligatory. While the Government collected data on the occurrence of violence, it did not specifically disaggregate those data by gender, age or locality. In addition, there was no specific ministry to further document or analyse those data. The Family Court and the police collected information on cases, but there was no pooling or analysing thereof.[39] The subregional team noted that the law did not specifically prohibit sexual harassment, although such harassment could be prosecuted under existing laws.[40]

21. The Committee on the Elimination of Discrimination against Women noted that the police attitude sometimes actively discouraged women who were victims of violence from pursuing their complaint, given that the law enforcement officers treated them with contempt and hostility. It urged Saint Vincent and the Grenadines to encourage women to report incidents of sexual and domestic violence by destigmatizing victims and raising awareness about the grave and serious nature of such acts.[41]

22. The Committee on the Elimination of Discrimination against Women noted that women in same sex-relationships were excluded from the categories of persons who could apply for protection under the Domestic Violence Act. It urged Saint Vincent and the Grenadines to ensure that no woman is excluded from seeking and obtaining protection under the Act on the basis of the type of relationship in which she is engaged.[42]

23. The United Nations subregional team stated that corporal punishment was lawful in the home, school and correctional/alternative care settings. It was also available as a criminal sentence for children. As part of an initiative to reform child laws in the region, the Organisation of Eastern Caribbean States had circulated a number of draft laws for consideration by member States, including Saint Vincent and the Grenadines. As originally drafted by the Organisation, corporal punishment as a criminal sentence would be prohibited in the Juvenile Justice Bill.[43] The United Nations subregional team recommended that Saint Vincent and the Grenadines urgently pass and proclaim the Juvenile Justice Bill, which embraces the restorative justice and non-punitive approaches to dealing with young offenders.[44]

24. The Committee on the Elimination of Discrimination against Women was concerned about reports of sexual abuse of children by persons who paid the family to be silent and not to report the incidents, which led to sexual exploitation of children, placing them in a situation of forced prostitution.[45]

25. The Committee on the Elimination of Discrimination against Women noted with concern that only three cases of human trafficking had been investigated in 2014 and five in 2013, none of which had resulted in prosecution. It recommended that Saint Vincent and the Grenadines strengthen measures to prevent and to respond effectively to incidents of transnational and internal trafficking for sexual abuse and exploitation, especially of girls under 18 years of age, including through awareness-raising initiatives, the prosecution and punishment of offenders and the establishment of specific support and rehabilitation programmes for victims.[46]

26. The Committee on the Elimination of Discrimination against Women was concerned about the lack of alternative employment opportunities for women and girls who wished to leave prostitution. It recommended that Saint Vincent and the Grenadines enhance support services for victims of trafficking and sexual exploitation, including alternative employment.[47]

27. According to the United Nations subregional team, there was insufficient data to determine how many children or young people were engaged in child labour.[48] The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations also requested Saint Vincent and the Grenadines take the necessary measures to ensure that sufficient data on the situation of children involved in the worst forms of child labour are made available.[49] The Committee also noted that the Employment of Women, Young Persons and Children Act did not contain a general prohibition on the employment of children below 18 years of age in hazardous work apart from the prohibition on night work.[50]

C. Administration of justice, including impunity, and the rule of law

28. The United Nations subregional team reported that the judicial system suffered from long delays in preliminary inquiries for serious crimes, and that there was currently a backlog of cases in the Magistrate's Court in Kingstown. Delays were typically attributed to staff shortages in the judiciary. In addition, there were reports of witnesses refusing to cooperate for fear of retaliation.[51] In 2011, the Supreme Court and Family Courts took steps to address witness intimidation by installing a video-link facility for vulnerable and child witnesses to testify.[52]

29. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the new Domestic Violence Act, which broadened the definition of domestic violence.[53] The United Nations subregional team noted that there were two Family Courts responsible for enforcing the protections outlined in the Domestic Violence Act. Domestic violence was not, however, treated as a criminal offence under the Act, although violation of an order issued under it could result in criminal sanctions.[54] The Committee on the Elimination of Discrimination against Women urged Saint Vincent and the Grenadines to amend the Criminal Code and/or the Domestic Violence Act to criminalize all acts of domestic violence covered by the Act and to explicitly criminalize marital rape.[55]

30. The United Nations subregional team indicated that women and girls' access to justice was significantly hampered by a general lack of resources, a lack of understanding of the justice system and a lack of trust in the police and court system.[56]

31. The United Nations subregional team noted that, as of April 2014, the Juvenile Justice Bill had been under discussion with a view to revising it before presentation to Parliament. Under the current Juveniles Act, a child was defined as a person under the age of 14 and the age of criminal responsibility was 8 years old. The Act also proscribed granting a juvenile bail when "the charge is one of homicide or other grave crime".[57]

32. In 2015, shortcomings of the juvenile justice system were evident in the case of a 12-year-old girl who had been accused of homicide. Arrangements for holding the girl were complicated by the fact that Saint Vincent and the Grenadines did not have juvenile detention facilities for girls.[58]

D. Right to privacy, marriage and family life

33. The United Nations subregional team reported that sexual acts between same-sex couples were illegal for both men and women in Saint Vincent and the Grenadines.[59]

34. The Committee on the Elimination of Discrimination against Women was concerned that the Marriage Act set the minimum legal age for marriage at 15 years for girls and 16 years for boys. It urged Saint Vincent and the Grenadines to raise the minimum age of marriage to 18 years for girls and boys.[60]

35. The Committee on the Elimination of Discrimination against Women noted with concern the existence of disparities between the child maintenance awards made by the courts to the children of unmarried mothers and those of married mothers. It recommended strengthening efforts to secure child maintenance payments in adequate amounts, ensuring that there were no disparities between those accorded to the children of married and unmarried mothers.[61]

36. The Committee on the Elimination of Discrimination against Women was concerned that women in de facto unions continued to be disadvantaged before the law. It recommended that Saint Vincent and the Grenadines expedite efforts to undertake reforms with a view to protecting the property rights of women upon the termination of de facto unions and giving them the right to financial support in case of need.[62]

E. Freedom of religion or belief and expression, and right to participate in public and political life

37. The Special Rapporteur on cultural rights welcomed the official recognition of the Rastafarian religion. However, she encouraged the country to further address the concerns raised by Rastafarians regarding the pursuit of their cultural and religious life without hindrance or stigmatization.[63] The Special Rapporteur recommended that the country address the concerns raised by Rastafarians regarding the consumption of cannabis for religious purposes. She also encouraged the country to enact clear directives for prisons to ensure that Rastafarians held in prison would not have their dreadlocks cut.[64]

38. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Saint Vincent and the Grenadines decriminalize defamation and place it within a civil code that is in accordance with international standards.[65]

39. The Committee on the Elimination of Discrimination against Women remained concerned about the stark underrepresentation of women at the highest levels of decision-making, noting that they represented only 13 per cent of parliamentarians and 9.1 per cent of ministers. It recommended that Saint Vincent and the Grenadines adopt, as a matter of priority, targeted measures to increase the percentage of women in appointed senior positions, the Government, the public service and the foreign service.[66]

40. The United Nations subregional team indicated that the law provided women with equal access to vote and to run for election. Historically, women had outnumbered men at the polls. However, women were underrepresented in elected and senior positions within government.[67]

41. The Committee on the Elimination of Discrimination against Women was concerned that no quota system has been introduced to promote the participation of women in political and public life. It recommended that Saint Vincent and the Grenadines amend the electoral law to allow for reserving at least 30 per cent of parliamentary seats for women[68] and to familiarize all relevant State officials and policymakers with the concept and use of temporary special measures and adopt and implement such measures to promote substantive equality of women and men.[69]

F. Right to work and to just and favourable conditions of work

42. The Food and Agriculture Organization of the United Nations (FAO) reported that the unemployment rate of Saint Vincent and the Grenadines was 18.8 per cent.[70]

43. The Committee on the Elimination of Discrimination against Women and the ILO Committee of Experts on the Application of Conventions and Recommendations,[71] noted with concern that, in 2013, the labour force participation rate had been 55.7 per cent for women and 78.4 per cent for men. The Committee on the Elimination of Discrimination against Women recommended that Saint Vincent and the Grenadines adopt and implement policies in order to eliminate occupational segregation and achieve substantive equality of women and men in the labour market.[72] The ILO Committee of Experts on the Application of Conventions and Recommendations noted that the labour inspection services had not found any cases of non-compliance with the principle of equal remuneration between men and women for work or equal value and that no workers had raised complaints in that respect. It considered that the absence of complaints on pay inequalities could result from the lack of knowledge of the rights derived from the Equal Remuneration Convention, 1951 (No. 100) among workers as well as law enforcers, or difficulties in accessing complaints and dispute resolution mechanism.[73]

44. The ILO Committee of Experts on the Application of Conventions and Recommendations recommended that the Government of Saint Vincent and the Grenadines take the necessary measures to raise the minimum age for employment to work to 16 years, in order to link it with the age of completion of compulsory schooling.[74]

45. The Committee on the Elimination of Discrimination against Women noted with concern that the Equal Pay Act, 1994, was not in conformity with the principle of equal remuneration for men and women for work of equal value. It recommended that Saint Vincent and the Grenadines amend section 3 (1) of the Act to ensure equal remuneration of women and men for work of equal value.[75]

46. The Committee on the Elimination of Discrimination against Women was concerned that there was anecdotal evidence that some women who sought employment had been requested to provide sexual favours in exchange for being hired. It was also concerned that the existing national legislation did not cover all aspects of sexual harassment and that the Domestic Violence Act addressed harassment only in the private sphere. It recommended that Saint Vincent and the Grenadines adopt legislation specifically criminalizing sexual harassment in all settings, including in the workplace, and cover both soliciting sexual favours for advancement and working environments hostile to women.[76] The ILO Committee of Experts on the Application of Conventions and Recommendations also noted that there were no legislative, regulatory or other provisions designed to prohibit and eliminate sexual harassment in the workplace.[77]

47. The ILO Committee of Experts on the Application of Conventions and Recommendations highlighted the lack of provisions specifically prohibiting discrimination in employment and occupation.[78]

48. The ILO Committee of Experts on the Application of Conventions and Recommendations noted that the labour inspectorate's activities were relatively limited in Saint Vincent and the Grenadines[79] and highlighted the importance of ensuring that labour inspectors working in the agricultural sector receive appropriate training.[80]

G. Right to social security and to an adequate standard of living

49. FAO reported that 30.2 per cent of the population in Saint Vincent and the Grenadines lived below the poverty line.[81]

50. The Committee on the Elimination of Discrimination against Women noted with concern that rural women, which included indigenous women, were disproportionately affected by poverty, unemployment and gender-based violence. It recommended that Saint Vincent and the Grenadines strengthen programmes to address gender-based violence, poverty and unemployment among rural women and ensure that they have improved access to health care, social services and the justice system.[82]

51. FAO reported that the prevalence of undernourished people in Saint Vincent and the Grenadines was of 6.2 per cent of the population.[83]

52. The Committee on the Elimination of Discrimination against Women was concerned about the high prevalence of female-headed households that also suffered from undue disadvantage and lack of social protection. It recommended that Saint Vincent and the Grenadines consider extending social protection schemes, including conditional cash transfers, targeting all vulnerable female-headed households.[84]

53. The Special Rapporteur on cultural rights noted that, according to the Saint Vincent and the Grenadines Country Poverty Assessment 2007-2008, Final Report, the difficulties the country had had in its programme of poverty reduction had to be seen against the decline of the banana industry, on which it was largely dependent, in the latter years of the twentieth century. However, as also stated in the report, poverty and indigence had decreased from 1995-1996 to 2007-2008.[85]

H. Right to health

54. The Committee on the Elimination of Discrimination against Women noted that abortion was illegal except in cases of rape, incest, risk to the life or physical or mental health of the pregnant woman or severe foetal impairment, as stipulated in section 149 of the Criminal Code. It recommended that Saint Vincent and the Grenadines remove penalties imposed on women who undergo abortion and ensure that section 149 of the Criminal Code is properly implemented to guarantee access to legal and safe abortion in cases of rape, incest, risk to the life or health of the pregnant woman or severe foetal impairment. It also recommended that the State ensure that women and girls have confidential access to adequate post-abortion care, including in cases of backstreet abortions.[86]

55. The Committee on the Elimination of Discrimination against Women noted with appreciation the awareness-raising activities carried out by the Family Planning Coordinator to address such issues as responsible sexual behaviour, adolescent pregnancy, family planning services, including contraceptives, and sexually transmitted diseases. It recommended that Saint Vincent and the Grenadines ensure free and

adequate access to sexual and reproductive health services, in particular to modern contraceptive methods, for all women and girls, including those living on the outer islands, and strengthen age-appropriate school-based education on sexual and reproductive health and rights for adolescent girls and boys through the Health and Family Life Education Curriculum.[87]

56. The Committee on the Elimination of Discrimination against Women also recommended that Saint Vincent and the Grenadines provides free and confidential family planning services at the community level, including in the Grenadines, and educate women and girls and men and boys on responsible sexual behaviour and the prevention of early and unwanted pregnancy and sexually transmitted diseases.[88]

I. Right to education

57. The Committee on the Elimination of Discrimination against Women commended Saint Vincent and the Grenadines for achieving universal access to primary and secondary education. It noted with concern the high rate of teenage pregnancy, which resulted in high dropout rates. It recommended that Saint Vincent and the Grenadines consider means of reducing unwanted teenage pregnancy by continuing to promote education in sexual and reproductive health and rights and responsible sexual behaviour for girls and boys, and strengthen efforts to retain girls in school and facilitate the reintegration of pregnant girls and young mothers into schools by providing support services.[89]

58. UNESCO reported that the Education Act of 2005 had made education at primary and secondary education compulsory for children, including those with special needs, and ensured liberty of expression in school.[90] It recommended that Saint Vincent and the Grenadines be encouraged to ensure comprehensive human rights training for teachers with a view to preventing any excessive use of force and consider prohibiting corporal punishment of children in all settings.[91]

59. The Special Rapporteur on cultural rights indicated that the efforts of Vincentians to research and write their nation's history following independence in 1979 had met with many difficulties. One of the major challenges was that the archives of the colonizers constituted the main sources of information, which posed difficulties in terms of both access and content.[92]

60. The Special Rapporteur on cultural rights noted that a main concern was that textbooks, which were developed at the Caribbean (regional) level, continued to have a European perspective, although significant achievements had been made since the 1970s in that respect. It was also of concern that textbooks did not sufficiently reflect the specific history of Saint Vincent and the Grenadines and contained very little information on the Garifuna and Callinago peoples.[93]

61. The Special Rapporteur recommended that the country: strengthen support to heritage clubs in schools, and find and support ways to integrate local histories and literature into the school curriculum, including through the use of information and communication technologies;[94] support the dissemination of alternative history textbooks and the organization of extracurricular activities on Vincentian history in schools;[95] address the issue at the Caribbean (regional) level on how local histories can be better reflected and incorporated in textbooks as well as examinations;[96] address the issue of access to relevant archives located in third countries, including by seeking support from these countries.[97]

J. Cultural rights

62. The Special Rapporteur on cultural rights welcomed the efforts and steps taken by Saint Vincent and the Grenadines, to ensure better recognition of cultural diversity in the country and protection of tangible and intangible cultural heritage. She also welcomed the support provided to various groups in their objective to protect and safeguard their cultural heritage and their quest for history.[98] The Special Rapporteur recommended that the country: ensure, when conducting wide consultations for drafting its cultural policy, that stakeholders are informed sufficiently in advance with proper documentation;[99] ensure coherence between cultural and tourism policies, through specific procedures or mechanisms;[100] require cultural impact assessments prior to major private or public development projects;[101] and pursue efforts to establish a space for training and development of cultural expressions.[102]

63. The Special Rapporteur also recommended that the use of the "Other" category in population censuses aimed at elucidating the ethnic composition of the population be clarified, and that clear guidelines be published in that respect, and also encouraged the country to assess whether there is need to reformulate questions in the questionnaire for population censuses, and develop, in collaboration with relevant communities, indicators of cultural diversity that could be useful in terms of recognition, as well as for the planning institutions.[103]

64. The Special Rapporteur recommended that Saint Vincent and the Grenadines continue its support to the National Trust and enhance its efforts for the rapid revival of the National Cultural Foundation.[104] She also recommended that it seek the assistance of the World Intellectual Property Organization and UNESCO, for documenting, registering and safeguarding traditional knowledge and traditional cultural expressions.[105]

K. Persons with disabilities

65. According to the United Nations subregional team, the National Society of Persons with Disabilities developed a comprehensive draft national policy on persons with disabilities, ranging from human rights to health and employment. However, the draft policy was not on the agenda for implementation in the near future.[106]

66. The United Nations subregional team also indicated that, although there were policies to support special education and there was a school for children with special needs, there were capacity concerns and gaps in teachers' expertise. There was also no tertiary-level vocational training, particularly for those with intellectual challenges.[107]

67. UNESCO recommended that Saint Vincent and the Grenadines be encouraged to continue implementing measures for inclusive education programmes for students with disabilities in mainstream education.[108]

L. Minorities

68. The Special Rapporteur on cultural rights noted that it had been stressed that, before colonial conquest, Callinagos and African populations intermingled and married, resulting in a third group, referred to as the Garifuna.[109] At the end of the eighteenth century, they had been deported to the Island of Balliceaux and then to Roatán.[110] The Special Rapporteur recommended that the country consider the importance of Balliceaux Island for the Garifuna people, and ensure that their relationship to the island as a site of remembrance is respected and maintained.[111]

M. Migrants, refugees and asylum seekers

69. UNHCR noted that Saint Vincent and the Grenadines faced a complex phenomenon of mixed migratory movements across the Caribbean. It was crucial that Saint Vincent and the Grenadines, as a country of transit, strengthen its capacity to appropriately manage those movements. There was a need for the country to cooperate with other countries in the region to collect and analyse data and to establish protection-sensitive entry systems, reception arrangements, mechanisms for profiling and referral of vulnerable migrants, differentiated processes and long-term solutions. When addressing all those aspects of migration movements, it should take into consideration the individual situation of persons in need of international protection, including groups with specific needs.[112]

70. UNHCR recommended that Saint Vincent and the Grenadines strengthen efforts to ensure that victims of trafficking are provided with an opportunity to seek asylum and enjoy corresponding rights and services.[113]

71. UNHCR indicated that, in the absence of national asylum and refugee legislation and procedures in Saint Vincent and the Grenadines, it, through its Red Cross partner, conducted registration of asylum seekers and refugee status determination in the country, and undertook the search for durable solutions for recognized refugees. Furthermore, with no established registration process for asylum seekers or a formal reception centre, asylum seekers were routinely detained upon arrival in the country. While Saint Vincent and the Grenadines had not intentionally or knowingly violated the principle of non-refoulement, more efforts to identify persons in need of international protection were needed by the State. UNHCR encouraged Saint Vincent and the Grenadines to develop formal procedures for determining refugee status.[114]

N. Right to development, and environmental issues

72. The Committee on the Elimination of Discrimination against Women was concerned that rural women were particularly vulnerable to the effects of natural disasters, as evidenced by recent hurricanes and storms, as well as the impact of climate change. It recommended that Saint Vincent and the Grenadines ensure that the development and implementation of policies and programmes on disaster preparedness, response to natural disasters and impacts of climate change, as well as other emergencies, are based on a comprehensive gender analysis and mainstream the concerns of women, especially those of rural women, and include them in the design and management of such programmes.[115]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Saint Vincent and the Grenadines from the previous cycle (A/HRC/WG.6/11/VCT/2).

[2] The following abbreviations are used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR

ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[5] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[6] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[7] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.

[8] International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

[9] ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and Domestic Workers Convention, 2011 (No. 189).

[10] See CEDAW/C/VCT/CO/4-8, para. 48.

[11] Ibid., para. 53.

[12] Ibid., para. 43.

[13] See A/HRC/23/34/Add.2, para. 68.

[14] Ibid., para. 26.
[15] See the recommendation contained in A/HRC/18/15, para. 78.6 (Slovakia) and A/HRC/18/15/Add.1, para. 7: "The Government of Saint Vincent and the Grenadines attaches great importance to the objectives underpinning this convention, being a party to the Convention relating to the Status of Refugees and the Convention relating to the Status of Stateless Persons and will continue to give consideration to the ratification to the convention."
[16] UNHCR submission for the universal periodic review of Saint Vincent and the Grenadines, p. 5.
[17] United Nations subregional team for Barbados and the Organisation of Eastern Caribbean States submission for the universal periodic review of Saint Vincent and the Grenadines, p. 1.
[18] Ibid., p. 1.
[19] See CEDAW/C/VCT/CO/4-8, paras. 20 and 21.
[20] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, pp. 2 and 6.
[21] See A/HRC/23/34/Add.2, para. 14.
[22] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, p. 2.
[23] Ibid., p. 2.
[24] See CEDAW/C/VCT/CO/4-8, para. 15.
[25] Ibid., para. 21.
[26] See A/HRC/23/34/Add.2, para. 28.
[27] Ibid., para. 68.
[28] See CEDAW/C/VCT/CO/4-8, para. 54.
[29] For the titles of special procedure mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.
[30] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, p. 3.
[31] See CEDAW/C/VCT/CO/4-8, para. 11.
[32] Ibid., para. 10.
[33] Ibid., paras. 12 and 13.
[34] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, p. 3.
[35] Ibid., p. 8.
[36] See CEDAW/C/VCT/CO/4-8, para. 19.
[37] Ibid., paras. 26 and 27.
[38] UNHCR submission for the universal periodic review of Saint Vincent and the Grenadines, p. 6.
[39] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, pp. 3-4.
[40] Ibid., p. 5.
[41] See CEDAW/C/VCT/CO/4-8, paras. 20 and 21.
[42] Ibid., paras. 20 and 21.
[43] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, pp. 6-7.
[44] Ibid., p. 7.
[45] See CEDAW/C/VCT/CO/4-8, para. 22.
[46] Ibid., paras. 22 and 23.
[47] Ibid., para. 23.
[48] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, p. 9.
[49] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning the Worst Forms of Child Labour Convention, 1999 (No. 182) adopted in 2013, published 103rd ILC session (2014), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3139041.
[50] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning the Minimum Age Convention, 1973 (No.138) adopted in 2013, published 103rd ILC session (2014), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3138998.

[51] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, p. 8.
[52] Ibid., p. 9.
[53] See CEDAW/C/VCT/CO/4-8, para. 20.
[54] Ibid., p. 4.
[55] See CEDAW/C/VCT/CO/4-8, para. 21.
[56] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, p. 4.
[57] Ibid., p. 6.
[58] Ibid., p. 6.
[59] Ibid., pp. 7-8.
[60] See CEDAW/C/VCT/CO/4-8, paras. 44 and 45.
[61] Ibid., paras. 42 and 43.
[62] Ibid., paras. 42 and 43.
[63] See A/HRC/23/34/Add.2, para. 32.
[64] Ibid., para. 64 (l).
[65] See UNESCO submission for the universal periodic review of Saint Vincent and the Grenadines, para. 38.
[66] See CEDAW/C/VCT/CO/4-8, paras. 24 and 25.
[67] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, p. 5.
[68] See CEDAW/C/VCT/CO/4-8, paras. 24 and 25.
[69] Ibid., para. 17.
[70] FAO, *State of Food Insecurity in the CARICOM Caribbean: meeting the 2015 hunger targets: taking stock of uneven progress* (FAO, Bridgetown, 2015), p. 12.
[71] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning the Equal Remuneration Convention, 1951 (No. 100) adopted in 2014, published 104th ILC session (2015), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3187712.
[72] See CEDAW/C/VCT/CO/4-8, paras. 30 and 31.
[73] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning the Equal Remuneration Convention, 1951 (No. 100) adopted in 2014, published 104th ILC session (2015).
[74] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning the Minimum Age Convention, 1973 (No.138) adopted in 2013, published 103rd ILC session (2014).
[75] See CEDAW/C/VCT/CO/4-8, paras. 32 and 33.
[76] Ibid., paras. 34 and 35.
[77] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) adopted in 2014, published 104th ILC session (2015), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3187760.
[78] Ibid.
[79] Ibid.
[80] ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning the Labour Inspection (Agriculture) Convention, 1969 (No. 129) adopted in 2013, published 103rd ILC session (2014), available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3138975.
[81] FAO, *State of Food Insecurity in the CARICOM Caribbean*, p. 13.
[82] See CEDAW/C/VCT/CO/4-8, paras. 40 and 41.
[83] FAO, *State of Food Insecurity in the CARICOM Caribbean*, p. 2.
[84] See CEDAW/C/VCT/CO/4-8, paras. 40 and 41.
[85] See A/HRC/23/34/Add.2, para. 7.
[86] See CEDAW/C/VCT/CO/4-8, paras. 38 and 39. See also subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, p. 11.
[87] See CEDAW/C/VCT/CO/4-8, paras. 36 and 37.

[88] Ibid., para. 37.
[89] Ibid., paras. 28 and 29.
[90] UNESCO submission for the universal periodic review of Saint Vincent and the Grenadines, para. 35.
[91] Ibid., para. 35.
[92] See A/HRC/23/34/Add.2, para. 34.
[93] Ibid., para. 48.
[94] Ibid., para. 64 (d).
[95] Ibid., para. 64 (e).
[96] Ibid., para. 64 (f).
[97] Ibid., para. 64 (g).
[98] Ibid., para. 63.
[99] Ibid., para. 64 (a).
[100] Ibid., para. 64 (b).
[101] Ibid., para. 64 (c).
[102] Ibid., para. 64 (j).
[103] Ibid., para. 65.
[104] Ibid., para. 66.
[105] Ibid., para. 67 (d).
[106] Subregional team submission for the universal periodic review of Saint Vincent and the Grenadines, p. 12.
[107] Ibid., p. 12.
[108] UNESCO submission for the universal periodic review of Saint Vincent and the Grenadines, para. 35.
[109] See A/HRC/23/34/Add.2, para. 37.
[110] Ibid., para. 39.
[111] Ibid., para. 64 (h).
[112] UNHCR submission for the review of Saint Vincent and the Grenadines, p. 4.
[113] Ibid., p. 5.
[114] Ibid., p. 3.
[115] See CEDAW/C/VCT/CO/4-8, paras. 40 and 41.